

1 JOHN C. CRUDEN
Acting Assistant Attorney General
2 Environment & Natural Resources Division

3 MICHAEL C. AUGUSTINI (DC Bar No. 452526)
michael.augustini@usdoj.gov

4 MEREDITH WEINBERG (VA Bar No. 47516)
meredith.weinberg@usdoj.gov

5 MARTHA C. MANN (FL Bar No. 155950)
martha.mann@usdoj.gov

6 ADAM J. KATZ (DC Bar No. 502776)
adam.katz@usdoj.gov

7 Environmental Defense Section
U.S. Department of Justice
8 P.O. Box 23986
Washington, DC 20026-3986
9 Telephone: (202) 616-6519
Facsimile: (202) 514-8865

10 Attorneys for Defendant United States of America

11
12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
14

15 STEADFAST INSURANCE CO.,

16 Plaintiff,

17 v.

18 UNITED STATES OF AMERICA et al.,

19
20 Defendants.
21

22 AMERICAN INTERNATIONAL
SPECIALTY LINES INSURANCE
23 COMPANY,

24 Plaintiff-Intervenor
25

No: CV-06-4686 AHM (RZx)

26 **DEFENDANT UNITED
STATES OF AMERICA'S
NOTICE OF MOTION AND
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Hearing: July 13, 2009
Time: 10:00 a.m.
Place: Courtroom 14
Judge: Hon. A. Howard
Matz

27 **DEFENDANT UNITED STATES OF AMERICA'S NOTICE OF MOTION AND MOTION FOR PARTIAL SUMMARY JUDGMENT**

1
2
3 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

4 PLEASE TAKE NOTICE that, on a date and time to be set by the Court, so
5 that the matter can be heard by Honorable A. Howard Matz in Courtroom 14,
6 Defendant United States of America ("United States") will, and hereby does, move
7 the Court for an Order pursuant to Fed. R. Civ. P. 56 granting summary judgment
8 on Plaintiff American International Specialty Lines Insurance Company's
9 ("AISLIC") second claim for relief. At AISLIC's request, this Court granted an
10 extension of the deadline set forth in the Court's October 20, 2008 Scheduling and
11 Case Management Order for hand-serving and filing motions. See Order on
12 Stipulation Extending Deadline for Serving Motions and Filing (June 15, 2009).

13 This motion is brought on grounds that as a matter of law, the United States
14 was not an "operator" of the Whittaker-Bermite Site in Santa Clarita, California,
15 pursuant to the Comprehensive Environmental Response, Compensation and
16 Liability Act, 42 U.S.C. 9601, et. seq.

17 The parties met and conferred on May 26, 2009 in good faith in an attempt
18 to resolve this dispute, as required by Local Rule 7-3.

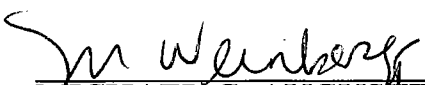
19 This Motion is based upon this Notice, the attached Memorandum in
20 Support of the United States' Motion for Partial Summary Judgment, the attached
21 Separate Statement of Uncontroverted Facts in Support of the United States'
22 Motion for Partial Summary Judgment, the pleadings and other papers on file in
23 this action, and such other evidence as may be presented at or prior to the hearing
24 on this matter.

25
26
27 **DEFENDANT UNITED STATES OF AMERICA'S NOTICE OF MOTION AND MOTION FOR PARTIAL SUMMARY JUDGMENT**

Respectfully submitted,

JOHN C. CRUDEN
Acting Assistant Attorney General

Dated: June 17, 2009


MICHAEL C. AUGUSTINI
MEREDITH WEINBERG
MARTHA C. MANN
ADAM J. KATZ
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section

Attorneys for Defendant United States of
America

DEFENDANT UNITED STATES OF AMERICA'S NOTICE OF MOTION AND MOTION FOR PARTIAL SUMMARY JUDGMENT

**STEADFAST INSURANCE CO. v.
UNITED STATES OF AMERICA et al.,**

Case No. CV 06-4686 AHM (RZx)

PROOF OF SERVICE

I, Meredith Weinberg, the undersigned, hereby declare as follows:


1. I am over the age of 18 years and am not a party to these cases. I am a counsel of record in the above case.

2. My business address is 601 D Street, NW, Suite 8000, Washington, D.C. 20004.

3. On June 17, 2009, I electronically filed the foregoing "DEFENDANT UNITED STATES OF AMERICA'S NOTICE OF MOTION AND MOTION FOR PARTIAL SUMMARY JUDGMENT" with the Clerk of the Court for the United States District Court for the Central District of California by using the CM/ECF System, which the parties have agreed is the equivalent of hand service.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Executed on June 17, 2009, at Washington, D.C.

By:


Meredith Weinberg
U.S. Department of Justice

DEFENDANT UNITED STATES OF AMERICA'S NOTICE OF MOTION AND MOTION FOR PARTIAL SUMMARY JUDGMENT